

## **CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence for Application No. 10/561,123 is being electronically transmitted to the Commissioner for Patents, via EFS-WEB, on December 8, 2006

\_\_\_\_\_  
/Kevin G. Rooney/  
Kevin G. Rooney, Reg. No. 36,330

\_\_\_\_\_  
December 8, 2006  
Date

## **PATENT**

### **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Boydan Joseph Mudryk et al.  
Serial No: 10/561,123  
Filing Date: December 15, 2005  
Art Unit: 3671  
Title: ROADSIDE POST  
Conf. No.: 5935  
Atty Docket: SPRU-03

Cincinnati, Ohio 45202

December 8, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

### **REQUEST FOR CORRECTION OF FILING RECEIPT**

The filing date of October 19, 2006 has been erroneously recorded.

This application is a U.S. national phase application of PCT/AU04/000772. The above-referenced application was deposited as Express Mail in Cincinnati, Ohio on December 15, 2005 as acknowledged by the U.S. Patent and Trademark Office. Apparently, the U.S. Patent and Trademark Office accorded a filing date of October 19, 2006 under the mistaken belief that a "translation" of PCT/AU04/000772 was filed on that date.

More specifically, a Notice to File Missing Requirements was mailed by the U.S. Patent and Trademark Office on September 1, 2006. In that Notice, the U.S. Patent and Trademark Office requested that Applicants provide an English "translation"

of the application. As specifically pointed out in Applicants' response filed on October 19, 2006, PCT/AU04/000772 was filed and published in English and therefore an English translation was not required upon the filing of this national phase application. A copy of the PCT publication was filed with the response dated October 19, 2006. The Notice of Acceptance itself states that the International Application was received in the U.S. Patent and Trademark Office as of December 15, 2005 and the published International Application states on the title page that the filing language was English. Therefore, the requirement by the U.S. Patent and Trademark Office for Applicants to provide an English "translation" was and remains improper. All requirements necessary to receive a filing date under 35 U.S.C. § 371 were met upon filing of this application. Therefore, the filing date of this application should be changed to December 15, 2005 and a corrected Filing Receipt should now issue.

Applicants do not believe that any fees are due in connection with this submission. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/Kevin G. Rooney/

Kevin G. Rooney

Reg. No. 36,330

2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202  
PH: (513) 241-2324  
FX: (513) 421-7269